REMARKS

Applicant thanks the Examiner for the careful consideration given to this application. Reconsideration is now respectfully requested in view of the amendment above and the following remarks.

Claims 1-16 have been rejected. The claims which were acted on include independent claims 1, 15 and 16. By this amendment Applicant has amended claims 1-7, 9-16, cancelled claim 8, and added new independent claims 20 and 24 and new dependent claims 17-18, 21-23 and 25-34.

Substance of the Interview

An interview was conducted on Feb. 22, 2010 between the undersigned, Examiner Doan and her supervisor. The issues that were discussed included the rejection under § 101 and the prior art rejections.

In connection with the rejection under § 101 the undersigned pointed out that all the method claims recite at least one piece of equipment which performs some of the claimed process. As a consequence it can no longer be said that the process of any claim could be carried out mentally. The support in the specification and drawings for the structure recited in the method claims was also noted.

In connection with the prior art rejections the undersigned pointed out two differences between Dawson and the rejected claims. In the first place independent claims 1, 15, 16 and 20 recite either synthesizing an original stream in original format or effecting a "reconstruction of the audio visual stream". Dawson purposefully avoids reconstructing the original stream or creating a stream in the original format but rather creates images by using an overlay image plane to modify an image produced by another image plane (see fig. 3a). Furthermore, claims 1, 15, 16 and 24 specify the use of at least one "sequence of pseudorandom values" or "values of pseudorandom sequences". While Dawson mentions that video content "may be extracted at random" (8:36-37) Dawson neither teaches nor suggests any sequence of pseudorandom values nor the use of such a sequence in any analysis. The secondary reference, Ferris, fails to provide

the teachings missing from Dawson that would be necessary to support a § 103 rejection of claims 1, 15, 16, 20 and 24.

Drawings

New drawings have been submitted in response to the Examiner's objection in order to comply with CFR 1.121(d). The new drawings replace the French language legends with legends in English. Applicant respectfully requests withdrawal of the objection in view of the new drawings .

Specification

The Abstract was objected to because it is not limited to a single paragraph as required by MPEP §608.01(b). Applicant submits herewith a new Abstract which avoids the objection. Applicant respectfully requests withdrawal of the objection. Applicant has also amended the specification to improve its readability and to address a translation-related issue ("grain" has been changed to "seed"). It should be apparent there is no issue of new matter.

Claim Objections

Claim 1 was objected to because of informalities. In light of the amendment to claim 1, this objection is believed to be moot. Applicant respectfully requests withdrawal of the objection to claim 1.

Claim Rejections under 35 U.S.C. §112

Claims 9-11 stand rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed. Applicant has amended claims 9-11 to obviate the rejection. Applicant respectfully requests withdrawal of the rejections of claims 9-11 under 35 U.S.C. §112.

Claim Rejections under 35 U.S.C. §101

Claims 1-14 and 16 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. This rejection is respectfully traversed. Without conceding the propriety of the stated rejection, and only to advance the prosecution of this matter, Applicant has amended independent claims 1 and 16 as indicated above. Applicant submits that independent claims 1 and 16, and all claims depending therefrom, are now even more clearly directed to statutory subject matter as defined by §101 and the controlling case law.

In light of at least these recitations, Applicant respectfully requests that the rejections of claims 1-14 and 16 under 35 U.S.C. §101 be reconsidered and withdrawn. Applicant asserts that the recitations of new claims 17-34 avoid the §101 rejection for reasons already presented.

Claim Rejections under 35 U.S.C. §102

Claims 1-13 and 15-16 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,382,969 to Dawson (hereinafter "Dawson"). This rejection is respectfully traversed.

It is beyond question that in order to anticipate a reference must describe "the identical invention ... in as complete detail as is contained in the ... claim", ***Richardson v. Suzuki Motor Co.***, 868 F. 2d 1226, 1236, 9 USPQ2d 1566 (Fed. Cir. 1990).

There are several basic distinctions between the rejected claims and the reference. Turning to the rejected independent claims, for example, Claim 1 recites:

> "synthesizing a stream in the original format on a synthesis module at the addressee as a function of the modified main stream and the complementary information".

Claim 15 recites:

> "apparatus at an addressee location for reconstruction of the audiovisual stream as a function of the modified main stream and the complementary information."

Claim 16 recites:

> "synthesizing a stream in original format by equipment at the addressee as a function of the modified main stream and the complementary information."

Claim 20 recites:

> "applying the modified main stream and the complementary information to a synthesis module to synthesize the original stream in the original format at the recipient location."

Turning to the cited art, Dawson avoids synthesizing or recreating the original stream. Instead Dawson describes that producing an image without recreating the original stream prevents misuse (pirating, resale or rebroadcast) of the original stream content, see 2:49-50. Dawson describes producing an image corresponding to an image that might have been produced by the original stream. The Dawson image is produced by using an image overlay plane (2:42-50) which is driven by extracted information. Dawson specifically notes that using an image overlay plane to produce an image (as opposed to actually recreating the original signal stream) has an advantage in that, since the original stream is *not* recreated the original stream cannot be pirated, resold or rebroadcast (2:49-50 and 6:24-29). Thus Dawson *purposefully* avoids recreating the original stream. The rejection alleges that Dawson teaches the synthesis of the original signal at 5:56-57 and 6:1-10. However Dawson does not support the allegation. At best Dawson teaches recreating an image corresponding to the original stream. Based on the foregoing Dawson does not teach or suggest at least the features of claims 1, 15-16 and 20 that are reproduced above.

Dawson does not teach or suggest "analyzing the original stream comprises: generating data comprising sequences of pseudorandom values with known parameters" as recited in claim 1. Although of different scope than claim 1, claims 15 and 16 recite similar features. Claim 15 recites:

> "analysis apparatus configured to analyze the audiovisual stream for separation of the original video stream into a modified main stream and complementary information as a function of the analysis, where the analysis is based at least in part on at least one sequence of pseudorandom values".

Claim 16 recites:

> "processing the original stream to generate sequences of pseudorandom values with known parameters; extracting original data as a function of the pseudorandom sequences".

Dawson mentions an alternate embodiment (8:35-44) where video signal content may be

"extracted at random". However, Dawson neither describes how the video content is randomly selected nor describes the use of pseudorandom sequences or values.

For at least these reasons, Dawson does not support a §102 rejection of claims 1, 15, 16 and 20. Accordingly, Applicant requests reconsideration and withdrawal of the §102 rejection of claims 1, 15 and 16 and allowance of new claim 20.

Claim 2 adds to the parent claim the recitation that all the data is stored in the complementary information. The rejection relies on Dawson 5:25-27 and 7:35-40. In the cited portion of Dawson the reference describes receipt of the program signal stream which includes the marred content. However, this portion of Dawson fails to disclose "wherein all the data comprising the sequences of pseudorandom values and the extracted original data is stored in the complementary information". For this additional reason Dawson fails to anticipate claim 2.

Claim 3 adds to the parent claim the recitation that some of the data is stored in the complementary information. The rejection relies on Dawson 5:25-27 and 7:35-40. As noted above the cited portion of Dawson describes receipt of the program signal stream which includes the marred content. However, this portion of Dawson fails to disclose "some of the data comprising the sequences of pseudorandom values and the extracted original data is stored in the complementary information." For this additional reason Dawson fails to anticipate claim 3.

Claim 4 adds to the parent claim the recitation that the pseudorandom values represent information relative to at least one characteristic of the extracted data. The rejection relies on Dawson at 9:32-62. In the cited portion the reference describes that video data is identified and extracted. However Dawson fails to describe the relationship between any pseudorandom values and the extracted information. Accordingly this portion of Dawson fails to disclose "wherein the pseudorandom values represent information relative to at least one characteristic of the original data extracted from the original stream." For this additional reason Dawson fails to anticipate claim 4.

Claim 5 adds to the parent claim the recitation that the pseudorandom values represent information relative to the position of the extracted data. The rejection relies on Dawson at 9:32-62. In the cited portion the reference describes that video data is identified and extracted. However, Dawson fails to describe the relationship between any pseudorandom values and a position of the extracted information. Accordingly, this portion of Dawson fails to disclose

"wherein the pseudorandom values represent information relative to the position of the original data extracted from the original stream." For this additional reason Dawson fails to anticipate claim 5.

Claim 9 adds to the parent claim that the data is generated from at least one characteristic of the analyzing equipment. The rejection relies on Dawson at 9:26-62. While the reference describes how the video content is processed the discussion does not relate this process to any analyzing equipment. Accordingly, this portion of Dawson fails to disclose "wherein generating data includes generating data based on at least one characteristic of the analyzing." For this additional reason Dawson fails to anticipate claim 9.

Claim 10 adds to the parent claim the recitation that "parameters related to the generating are stored as a result of the analyzing". The rejection relies on Dawson at 7:11-17. In the cited portion the reference describes how some of the video content is marred. However, this portion of Dawson fails to disclose "storing one or more parameters related to the generating as a result of the analyzing". For this additional reason Dawson fails to anticipate claim 10.

Claim 12 adds to the parent claim the recitation that "parameters related to the operation application are stored in a smart card". The rejection relies on Dawson at 5:25-27. In the cited portion of the reference Dawson describes that only the video content including the marred subject matter can be recorded. However, this portion of Dawson fails to disclose "storing one or more parameters related to the generating in a smart card of the addressee". For this additional reason Dawson fails to anticipate claim 12.

Claim 13 adds to the parent claim the recitation that the "the synthesizing includes using said data reproducing the pseudorandom values obtained during the analyzing." The rejection relies on Dawson 10:3-29. However, this portion of Dawson fails to disclose "wherein the synthesizing includes using said data reproducing the pseudorandom values obtained during the analyzing". For this additional reason Dawson fails to anticipate claim 13.

Applicant respectfully requests withdrawal of the rejection of claims 1-13 and 15-16 under 35 U.S.C. §102 for the reasons presented herein. Additionally, it is respectfully submitted that new claims 17-34 distinguish from Dawson for at least various ones of the reasons cited above.

Claim Rejections Under 35 U.S.C. §103

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,382,969 to Dawson (hereinafter "Dawson") in view of U.S. Patent Publication No. 2003/0177142 to Ferris (hereinafter "Ferris"). This rejection is respectfully traversed.

Ferris is relied on for a teaching of a lossless process. The rejection is traversed because it is not apparent the Dawson and Ferris teachings are compatible and also because Dawson teaches away from the claimed subject matter.

Ferris describes a process where data in a particular format (an SQL database) is (a) modified to preserve bandwidth in transmission, (b) transmitted and then (c) reconstructed after reception. The process described by Ferris is arranged to be efficient and yet "lossless". The rejection is based on the allegation that "it would have been obvious" to modify Dawson so as to present a "lossless" process. However since Dawson purposely avoids recreating the original signal there no basis on which to determine if the Dawson process (whether modified or not) is actually lossless. Any suggestion that the Dawson process be modified so as to recreate the original stream would result in contradicting Dawson's intent and destroying the Dawson invention which purposely and intentionally avoids recreating or synthesizing the original signal. Any such revision could not be based on the Dawson reference, but instead would result from impermissible hindsight reconstruction of the Applicant's claimed subject matter, motivated only by the Applicant's own disclosure. Because Dawson teaches away from the claimed subject matter, no combination of art which includes Dawson could negative the patentability of the rejected claim.

Furthermore, Ferris fails to address the other above-described deficiencies of Dawson.

On the basis of the foregoing, Applicant respectfully requests withdrawal of the rejection of claim 14 under 35 U.S.C. §103.

Disclaimer

Applicant may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the

lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 27592-01115-US from which the undersigned is authorized to draw.

Dated: March 3, 2010

Respectfully submitted,

Electronic signature: /Stanley B. Green/
Stanley B. Green
Registration No.: 24,351
CONNOLLY BOVE LODGE & HUTZ LLP
1875 Eye Street, NW
Suite 1100
Washington, DC 20006
(202) 331-7111
(202) 293-6229 (Fax)
Attorney for Applicant